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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joseph Jeddeloh

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07/12/2006

EXAMINER

CHEN, TSE W

FISH & NEAVE IP GROUP

ROPES & GRAY LLP

1251 AVENUE OF THE AMERICAS FL C3

NEW YORK, NY 10020-1105

ART UNIT

PAPER NUMBER

2116

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,602

Applicant(s)

JEDDELOH, JOSEPH

Examiner

Tse Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 and 43-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-41 and 43-53 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 4, 2006 has been entered.

### *Claim Objections*

2. Claims 1, 3 are objected to because of the following informalities:
- As per claim 1, "said selection" should be "said selecting".
  - As per claim 3, "said memory module" should be "said memory modules".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: selecting only one of the multiple clock signals based on the final tally of the number of said memory modules and operating speed information of the memory modules. Examiner submits that one with ordinary skill in the art would recognize that the operating speed of each memory module must be known in order to provide an overall operating speed [i.e., slowest maximum operating speed] for all of the memory modules

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[pg. 24 of Remark submitted on May 4, 2006 in reference to Olarig]. In essence, a group of memory modules will have to run according to its weakest link because running the group at any speed above the slowest member would not enable the slowest member to be operative. As such, all limitations involving selecting only one of the multiple clock signals to provide the operating speed for all the memory modules in the pending claims are interpreted as deriving from speed information [e.g., obtained characteristic from serial presence data] of all the memory modules in order to be operable. Moreover, the claimed invention is limited to be operable at or less than [e.g., other memory module characteristics may further decrease the permissible operating speed] the slowest maximum operating speed of a group of memory modules.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 9, 13-15, 21, 25-26, 29, 31-32, 38, 43-45, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al., US Patent 6226729, hereinafter Stevens, in view of Hartwell, US Patent 6724850.

7. In re claim 1, Stevens discloses a method of selecting an operating speed [channel frequency] of a memory module interface [interfaces 530, 540, 544] in a computer system [fig.5], said system comprising a central processing unit [processor 595], a memory controller [MCH 500], and a plurality of memory modules [560, 565, 570], each memory module

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comprising a serial presence detect memory [572] [col.11, l.66 – col.12, l.14], said method comprising:

- Counting the number of said memory modules [fig.8a, 850; col.12, ll.62-67; table 4].
- Keeping a running tally [rim count] of the number of said memory modules based on said counting [850].
- Generating a clock signal at a frequency to provide an operating speed of said memory module interface [col.13, ll.41-49].
- Based on at least a final tally of the number of said memory modules, selecting only one clock signal to provide an operating speed [channel frequency] of said memory module interface [col.13, ll.41-45; frequency selected based on final tally of every memory modules that are operable with frequency – i.e., selected frequency is to be operable with final tally of memory modules].
- In response to said selecting, providing said selected clock signal to all of said memory modules [col.13, ll.41-49].

8. Stevens did not discuss details of generating the clock signal.

9. Hartwell discloses a method comprising simultaneously generating multiple clock signals at different frequencies [slow and fast] [col.2, l.52 – col.3, l.10].

10. It would have been obvious to one of ordinary skill in the art, having the teachings of Hartwell and Stevens before him at the time the invention was made, to incorporate the teachings of Hartwell with the system of Stevens as the simultaneously generating of multiple clock signals at different frequencies taught by Hartwell is well known and suitable for use in selecting an operating speed for the system of Stevens. One of ordinary skill in the art would have been

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motivated to make such a combination as it provides a way to generate different frequencies in typical data processing systems that require different clock speeds [Hartwell: col.1, l.56 – col.2, l.49; provide deterministic operations in Stevens].

11. As to claims 2 and 44, Stevens discloses, wherein said selecting comprises generating memory module interface signals comprising clock, address, and data signals at a frequency based on said final tally of the number of said memory module count [Stevens: col.11, l.35 – col.12, l.22; col.13, ll.41-56].

12. As to claims 3, 15, 32, 45, Stevens discloses, comprising obtaining information from said serial presence detect memory that includes at least one characteristic [e.g., frequency data] of said memory module, wherein said selecting comprises selecting only one of said multiple clock signals based on at least said final tally of the number of said memory modules and said characteristic [col.13, ll.41-49; frequency selected based on queried frequency that is operable with final tally of every memory modules].

13. In re claim 9, Stevens and Hartwell disclose each and every limitation of the claim as discussed above in reference to claims 1 and 3.

14. In re claims 13, 25, 31, 43, Stevens and Hartwell disclose each and every limitation of the claim as discussed above in reference to claim 1. Stevens and Hartwell disclose the method of operating the computer system; therefore, Stevens and Hartwell disclose the computer system and associated means. Stevens discloses wherein said memory controller:

- Accesses said serial presence detect memory [col.11, l.66 – col.12, l.14].
- Keeps a running tally of the number of said memory modules based on said accesses to said serial presence detect memory [fig.8a, 850; col.12, ll.62-67; table 4].

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- Selects one of the clock frequencies for driving said memory module interface based on at least a final tally of the number of said memory modules [col.13, ll.41-45].

15. As to claim 14, Stevens discloses that the central processing unit is a microprocessor [processor 595].

16. In re claims 21, 26, 29, 38, 51, Stevens and Hartwell disclose each and every limitation of the claim as discussed above in reference to claims 3 and 13. Hartwell discloses a computer system [data processing system 100] comprising at least two phase locked loops [PLL 1 and 3] to generate respective clock signals of different frequencies [slow and fast] [col.2, l.52 – col.3, l.10].

17. Claims 4-5, 7-8, 10-12, 16-17, 19-20, 22-24, 27-28, 30, 33-34, 36-37, 39-41, 46-47, 49-50, 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens and Hartwell as applied to claims 3, 13, 21 above, and further in view of Johnson et al., US Patent 5577236, hereinafter Johnson.

18. Stevens and Hartwell disclose each and every limitation of the claim as discussed above. Stevens and Hartwell did not discuss the details [e.g., specific data] of selecting one of the operating speeds.

19. Johnson discloses a method comprising obtaining information from a serial presence detect memory [flash memory] that includes at least one characteristic [factors 2-4] of a memory module, wherein a selecting comprises selecting one of the clocks based on at least said final tally of the number of said memory modules [factor 1] and said characteristic [col.8, ll.33-45; col.9, ll.4-18].

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20. As to claims 4, 11, 16, 22-23, 33, 40, 46, 52, Johnson discloses said characteristic comprises the number of components [memory circuits] in each said memory module [col.9, ll.9-10].

21. As to claims 5, 12, 17, 24, 30, 34, 39, 41, 47, 53, Johnson discloses said characteristic comprises a speed grade [sort] of said memory module [col.9, ll.17-18].

22. As to claims 7, 10, 19, 27, 36, 49, Johnson discloses said characteristic comprises a type of said memory module [col.8, ll.33-41].

23. As to claim 8, 20, 28, 37, 50, Johnson discloses said characteristic comprises a physical layout of signal connections between said memory controller and said memory module [col.9, ll.11-16].

24. It would have been obvious to one of ordinary skill in the art, having the teachings of Johnson, Stevens and Hartwell before him at the time the invention was made, to modify the system taught by Stevens and Hartwell to include the explicit teachings of Johnson [i.e., relating to specific serial presence detect data to be retrieved], in order to obtain the system capable of obtaining information from a serial presence detect memory that includes at least one characteristic of a memory module, wherein a selecting comprises selecting one of the clocks based on at least said final tally of the number of said memory modules and the specific characteristic. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to accurately read data from a memory that may vary in numbers and other attributes [Johnson: col.2, l.46 – col.3, l.50].



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25. Claims 6, 18, 35, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens and Hartwell as applied to claims 3, 13, 21 above, and further in view of Olarig et al., US Patent 6134638, hereinafter Olarig.

26. Stevens and Hartwell disclose each and every limitation of the claim as discussed above. Stevens and Hartwell did not discuss the details [e.g., specific data] of selecting one of the operating speeds.

27. Olarig discloses a method comprising obtaining information from a serial presence detect memory that includes at least one characteristic of a memory module [114], wherein a selecting comprises selecting one of the clocks based on said characteristic, wherein said characteristic comprises a manufacturer of said memory module [table 1; col.10, ll.25-37].

28. It would have been obvious to one of ordinary skill in the art, having the teachings of Olarig, Stevens and Hartwell before him at the time the invention was made, to modify the system taught by Stevens and Hartwell to include the explicit teachings of Olarig [i.e., relating to specific serial presence detect data to be retrieved], in order to obtain the system capable of obtaining information from a serial presence detect memory that includes at least one characteristic of a memory module, wherein a selecting comprises selecting one of the clocks based on at least said final tally of the number of said memory modules and the specific characteristic of the manufacturer. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to determine the preferred clock frequency and timing characteristics of the memory module [Olarig: col.10, ll.25-37].

***Response to Arguments***

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29. Applicant's arguments dated May 4, 2006 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tse Chen  
May 28, 2006

  
LYNNE H. BROWNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100